

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

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In re:

BERNARD L. MADOFF,

Debtor.

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Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

**ORDER ADJOURNING HEARING ON BECKER & POLIAKOFF LLP MOTIONS TO
DISMISS SINE DIE**

WHEREAS, on November 1, 2013, Becker & Poliakoff filed an omnibus memorandum of law in support of motions to dismiss on behalf of numerous defendants in 128 avoidance action adversary proceedings (the “B & P Defendants”); and

WHEREAS, on January 17, 2014, Irving H. Picard (the “Trustee”) and the Securities Investor Protection Corporation (“SIPC”) filed separate memoranda of law in opposition to the B & P Defendants’ motions to dismiss;

WHEREAS, a hearing was held before the Court on February 14, 2014 (the “Hearing”) to address the most efficient manner of litigating common legal issues and coordinating common and consolidated discovery in the hundreds of adversary proceedings pending before the Court; and

WHEREAS, the Trustee submitted a letter to the Court (ECF No. 5678) on February 20, 2014 (the “Trustee’s Letter”), memorializing and providing the parties with notice of the Court’s rulings made during the Hearing with respect to pending motions to dismiss in certain Bernard L. Madoff Investment Securities LLC adversary proceedings set forth on Appendix A thereto (the “Adversary Proceedings”); and

WHEREAS, on February 21, 2014, the B & P Defendants submitted an omnibus reply brief in further support of their motions to dismiss; and

WHEREAS, on February 21, 2014, the Court entered the Case Management Order Regarding Certain Pending Motions to Dismiss (the “Case Management Order”) directing the Trustee to file one omnibus opposition to all pending motions to dismiss in the Adversary Proceedings on or before March 10, 2014; and

WHEREAS, the Case Management Order also directed all defendants subject to pending motions to dismiss in the Adversary Proceedings (the “Adversary Proceedings Defendants”) to file reply briefs on or before March 17, 2014; and

WHEREAS, the Case Management Order did not schedule a hearing date on the motions to dismiss in the Adversary Proceedings; and

WHEREAS, a hearing on the B & P Defendants’ motions to dismiss has been noticed for March 12, 2014 at 10:00 a.m.; now, therefore,

IT IS HEREBY:

ORDERED, that the hearing on B & P Defendants’ motions to dismiss noticed for March 12, 2014 is hereby adjourned *sine die* pending submission of the Trustee’s omnibus opposition brief in the Adversary Proceedings and the related reply briefs; and it is further

ORDERED, that the Court will schedule a single hearing to consider both the B & P Defendants’ motions to dismiss and the Adversary Proceeding Defendants’ motions to dismiss.

Dated: New York, New York
March 4, 2014

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
United States Bankruptcy Judge